

# Department of the Interior Initial Ethics Training

## Supplemental Ethics Training Material 2018



# The Foundation for Ethical Behavior

Executive Order 12674

- Public Service is a public trust, requiring you to place loyalty to the Constitution, the laws and ethical principles above private gain.
- You shall not hold financial interests that conflict with the conscientious performance of duty.
- You shall not engage in financial transactions using non-public Government information or allow improper use of such information to further any private interest.

# The Foundation for Ethical Behavior

Executive Order 12674

- You shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by your agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- You shall make no unauthorized commitments or promise of any kind purported to bind the Government.

# The Foundation for Ethical Behavior

Executive Order 12674

- You shall put forth honest effort in the performance of your duties.
- You shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with your official Government duties and responsibilities.
- You shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

# The Foundation for Ethical Behavior

Executive Order 12674

- You shall satisfy in good faith your obligations as citizens, including all just financial obligations, especially those such as Federal, state, or local taxes that are imposed by law.
- You shall adhere to all laws and regulations that provide equal opportunities for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- You shall not use your public office for private gain.

# The Foundation for Ethical Behavior

## Executive Order 12674

- You shall act impartially and not give preferential treatment to any private organization or individual.
- You shall protect and conserve Federal property and shall not use it for other than authorized activity.
- You shall endeavor to avoid any actions creating the appearance that you are violating the law, the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635), DOI supplemental ethics regulations, or Executive Order 12674.

# Government-Wide Ethics Laws

These laws apply to all Federal employees and each carry criminal penalties for noncompliance. They also serve as a basis for the ethics regulations known as the *Standards of Ethical Conduct for Employees of the Executive Branch*, 5 C.F.R. Part 2635.

- U.S.C. § 201 – Bribery of Public Officials Prohibited
- 18 U.S.C. § 203 – Restrictions on Compensated Representational Activities

# Government-Wide Ethics Laws

- 18 U.S.C. § 205 – Restrictions on Acting as an Agent or Attorney
- 18 U.S.C. § 207 – Post-Government Employment Restrictions
- 18 U.S.C. § 208 – Conflicts of Interest
- 18 U.S.C. § 209 – Supplementation of Federal Salary Prohibited



# 18 U.S.C. § 201

## Bribery of Public Official Prohibited

Prohibits a Government employee from directly or indirectly receiving or soliciting anything of value in exchange for being influenced in the performance or non-performance of any official act, including giving testimony, or in exchange for committing fraud.

# 18 U.S.C. § 203

## Restrictions on Compensated Representational Activities

Prohibits a Government employee, while in a duty or non-duty status, from seeking or accepting compensation for representational services (rendered either personally or by another) before a Federal court or Government agency in a particular matter in which the United States is a party or has a direct and substantial interest. Representational services include any communications on behalf of another party with the intent to influence the Government. There are limited exceptions, such as for representing oneself or one's immediate family or a person or estate for which the employee acts as a fiduciary, but not where the employee has participated officially or has official responsibility.

# 18 U.S.C. § 205

## Restrictions on Acting as an Agent or Attorney

Prohibits a Government employee, while in a duty or non-duty status, from acting as an agent or attorney for anyone before a Federal court or Government agency, whether compensated or not. There are limited exceptions, such as for representing other Federal employees in personnel matters; representing a not-for-profit organization in certain matters, if a majority of its members are current Federal employees or their spouses or dependent children; representing oneself or one's immediate family or a person or estate for which the employee acts as a fiduciary, but not where the employee has participated officially or has official responsibility; or acting as an agent or attorney, in certain matters, for a tribal organization or inter-tribal consortium to which the employee is assigned under the Intergovernmental Personnel Act or 25 U.S.C. § 48, after advising the Government, in writing, of any personal and substantial involvement the employee has had in connection with the matter.

# 18 U.S.C. § 207

## Post-Government Employment Restrictions

This statute does not bar an individual, regardless of rank or position, from accepting employment with any private or public employer. It does impose restrictions on certain communications that employees may make as a representative of a third party back to the Federal Government.

# 18 U.S.C. § 208

## Conflicts of Interest

Prohibits a Government employee from participating personally and substantially, on behalf of the Federal Government, in any particular matter in which he or she has a financial interest. In addition, the statute provides that the interests of certain other “persons” are the same as if they were the employee’s. These include the employee’s spouse, minor child, general partner, an organization in which he or she serves as an officer, trustee, partner or employee, and any person or organization with whom the employee is negotiating or has an arrangement concerning future employment. The statute applies whether you are on or off duty. There are limited regulatory exemptions authorized by the Office of Government Ethics, an exception for certain financial interests arising solely out of Native American birthrights, and a very limited waiver authority.

# 18 U.S.C. § 209

## Supplementation of Federal Salary Prohibited

Prohibits a Government employee from receiving any salary, or any contribution to or supplementation of salary; or anything of value from an outside source as compensation for services he or she is expected to perform as a Government employee.

# 5 C.F.R. part 2635

- 5 C.F.R. part 2635—Standards of Ethical Conduct for Employees of the Executive Branch—contains specific requirements and address situations where executive branch employees are likely to encounter ethical dilemmas on:
  - Use of Government Position - as an employee, you cannot use your position with the Government for your own personal gain or for the benefit of others
  - Conflicting Financial Interests – you are prohibited from working on Government matters in which you, your spouse or minor child, or certain others have a financial interest
  - Impartiality – in general, you should not act on a Government matter if a reasonable person who knew the circumstances of the situation could legitimately question your impartiality
  - Seeking Other Employment – if you are seeking other employment (either a future position or part-time work performed in your off-duty hours) you may not work on particular matters that would affect the prospective employer's financial interest

# 5 C.F.R. part 2635

- 5 C.F.R. part 2635—Standards of Ethical Conduct for Employees of the Executive Branch—contains specific requirements and address situations where executive branch employees are likely to encounter ethical dilemmas on:
  - Outside Activities – you may not engage in outside employment or other activity if it conflicts with your official duties or violates a law or regulation
  - Gifts from Outside Sources – generally, you may not accept gifts that are given because of your official position or that come from certain “prohibited sources”
  - Gifts Between Employees – generally, you cannot give a gift to your official superior or accept a gift from another employee who earns less pay



# Ethics Prohibitions

Unique to DOI Employees

A summary of DOI-specific and bureau-specific restrictions are listed below. If you are not certain if you are covered by one or more of the restrictions below, check with an ethics counselor from your office or bureau.

**43 U.S.C. § 11, 43 C.F.R. § 20.401, and 5 C.F.R. §  
3501.105**

**Bureau of Land Management Employees**

Bureau of Land Management (BLM) employees are prohibited from voluntarily acquiring direct or indirect financial interests in Federal lands. Prohibited interests include stocks, bonds, and sector mutual funds in oil, gas, geothermal, and mining companies that hold leases or other property rights on Federal lands. Prohibited interests also include companies that hold substantial Rights-of-Way on Federal lands. A BLM employee may not be a member or employee of a business which has interests in Federal lands, nor serve as a private sector real estate agent. Additionally, BLM employees may not occupy or use Federal lands (other than on the same terms as use of Federal lands is available to the general public), or take any benefits from Federal lands, based upon a contract, grant, lease, permit, easement, rental agreement, mineral rights, grazing rights, or other holdings which the BLM issues or regulates.

**43 U.S.C. § 31(a), 43 U.S.C. § 20.401, and 5 C.F.R. §  
3501.104**

**U.S. Geological Survey (USGS) Employees**

USGS employees are prohibited from holding financial interests in the mineral wealth of the United States and from executing any surveys or examinations for private parties. Prohibited interests include stocks and bonds in oil, gas, and other mining companies that hold significant leases on Federal lands. Annually, the USGS publishes a list of prohibited financial holdings in a Financial Guide for USGS Employees. Additionally, the USGS Conflict of Interest Policy sets limits on investments in energy sector mutual funds and entities engaged in mining activities on private land in the United States. The ability of USGS employees to own oil, gas or other mineral leases or receive royalties from those leases is extremely limited.

## **5 C.F.R. § 3501.103(b)**

### **Prohibited Interests in Federal Lands for the Secretary and Certain Office of the Secretary Employees**

The Secretary and employees within the Office of the Secretary (OS) and other Departmental offices\* that report directly to a Secretarial officer who are in positions classified at GS-15 and above may not acquire or hold any direct or indirect financial interest in Federal lands or resources administered or controlled by the Department. This generally includes stock or bond interests in most oil, gas, and mining companies that hold leases on Federal lands to conduct their operations.

\*Affected offices: Immediate Office of the Secretary; Office of the Solicitor; Office of the Inspector General; Office of Communications; Office of Congressional and Legislative Affairs; all Assistant Secretaries, their immediate Office staff and heads of bureaus which are subordinate to an Assistant Secretary; Policy, Management, and Budget; Office of Budget; Interior Business Center; Office of Hearings and Appeals; Office of Acquisition & Property Management; Office of Environmental Policy and Compliance; Office of Policy Analysis; Office of Financial Management; Office of Information Resources Management; and Office of Natural Resources and Revenue.

## **5 C.F.R. § 3501.103(b)**

### **Prohibited Interests in Federal Lands for Employees of Bureau of Ocean Energy Management (BOEM), Bureau of Safety And Environmental Enforcement (BSEE), and Office of Natural Resources Revenue (ONRR)**

All BOEM, BSEE, and ONRR employees may not acquire or hold any direct or indirect financial interest in Federal lands or resources administered or controlled by the Department. This generally includes stock or bond interests in most oil, gas, and mining companies that hold leases on Federal lands to conduct their operations.

**30 U.S.C. § 1211(f), 30 C.F.R. Part 706, 43 C.F.R. 20.402,  
and 5 C.F.R. 3501.104(a)**

**Office of Surface Mining Reclamation and Enforcement  
Employees and Certain Other Federal Employees**

This law prohibits all Office of Surface Mining Reclamation and Enforcement (OSMRE) employees and any other Federal employee who performs functions and duties under the Surface Mining Control and Reclamation Act of 1977 from having any financial interests in surface or underground coal mining operations. If you don't work for the Office of Surface Mining Reclamation and Enforcement but have responsibilities connected with mining and reclamation operations, contact an ethics counselor from your bureau or office to determine whether you are covered by this law.

**30 U.S.C. § 1211(f), 30 C.F.R. Part 706, 43 C.F.R. 20.402,  
and 5 C.F.R. 3501.104(a)**

**Office of Surface Mining  
Reclamation and Enforcement Employees and Certain  
Other Federal Employees**

Prohibited financial interests under this law include companies that are involved in developing, producing, preparing, or loading coal or reclaiming the areas upon which such activities occur.

30 U.S.C. § 1267(g) applies a similar prohibition to employees of state regulatory authorities performing any function or duty under the Surface Mining Control and Reclamation Act of 1977. (See *also* 30 C.F.R. Part 705)

## **5 C.F.R. § 3501.103(c)**

### **All DOI Employees**

This regulation prohibits, with limited exceptions, all DOI employees, their spouses, and their minor children from acquiring or retaining any claim, permit, leases, small tract entries, or other rights that are granted by the Department in Federal lands. This prohibition does not restrict the recreational or other personal or noncommercial use of Federal lands by an employee, or the employee's spouse or minor child, on the same terms available to the general public.



# Outside Employment and Activities

## 5 CFR § 3501.105

An employee of the Department shall obtain written approval from his ethics counselor or other agency designee before engaging in outside employment with a prohibited source.\*

\*Next slide explains who is a prohibited source for what Bureaus/Offices.

# Prohibited Sources

- A Prohibited Source is any person or entity who:
  - (1) Is seeking official action by the employee's agency;
  - (2) Does business or seeks to do business with the employee's agency;
  - (3) Conducts activities regulated by the employee's agency;
  - (4) Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or
  - (5) Is an organization a majority of whose members are described in (1) through (4) above.
- Agency - The following DOI bureaus and offices are designated as separate agencies for the purpose of this provision: BIA (including the Office of Indian Education Programs), BLM, BOR, NIGC, NPS, OSMRE, OST, FWS, USGS
- Employees in DOI bureaus and offices not listed above (including employees within the immediate office of each Assistant Secretary) are employees of the remainder of DOI, which for those employees shall include the designated components noted above as well as those part of DOI not designated as separate.

# Department of the Interior Ethics Program

The Department of the Interior (DOI) ethics program is administered by the Departmental Ethics Office and managed by the Designated Agency Ethics Official, the principal ethics official for DOI. Working with the assistance of a network of bureau and DOI ethics personnel, the Departmental Ethics Office implements the statutory and regulatory ethics requirements of the Federal Government and the Department of the Interior.

# Department of the Interior Ethics Program

If you have an ethics question, you should contact an appropriately designated ethics counselor before taking action, provide him or her with all the relevant facts, and receive advice as to the course of action to take.

# Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

## **Departmental Ethics Office**

1849 C Street, NW, MS 5311

Washington, DC 20240

Tel: 202-208-7960

Fax: 202-208-5515

Website: [www.doi.gov/ethics](http://www.doi.gov/ethics)

Email: DOI\_Ethics@sol.doi.gov

## **Bureau of Indian Affairs (BIA)**

Billings, MT

Tel: 406-247-1295

Fax: 406-247-1297

# Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

## **Bureau of Land Management (BLM)**

Washington, DC

Tel: 202-912-7486

Fax: 202-912-7121

## **Bureau of Reclamation (USBR)**

Denver, CO

Tel: 303-445-2727

Intranet: <http://intra.usbr.gov/ethics/>

## **Bureau of Ocean Energy Management (BOEM)**

Herndon, VA

Tel: 703-787-1648

Intranet website: <http://pipeline>

# Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

## **Bureau of Safety and Environmental Enforcement (BSEE)**

Herndon, VA

Tel: 703-787-1417

Fax: 703-787-1447

## **National Indian Gaming Commission (NIGC)**

Washington, D.C.

Tel: 202-632-7003

Fax: 202-632-7066

## **National Park Service (NPS)**

Washington, DC

Tel: (202) 354-1981

Fax (202) 371-5659

<http://inside.nps.gov/waso/waso.cfm?prg=37&lv=3>

# Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

## **Office of Inspector General (OIG)**

Reston, VA

Tel: 703-487-5439

Fax: 703-487-5406

[www.doioig.gov](http://www.doioig.gov)

## **Office of Natural Resources Revenue (ONRR)**

Washington, D.C.

Tel: (202) 513-0344

Fax: 202-208-5515



# Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

## **Office of Surface Mining Reclamation and Enforcement (OSMRE)**

Washington, D.C.

Tel: 202-208-2704

Fax: 202-219-3106

<http://www.osmre.gov>

## **Office of the Special Trustee (OST)**

Albuquerque, NM

Tel: 505-816-1400

Fax: 505-816-1319

<http://www.doi.gov/ost/index.html>

# Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

## **U.S. Fish and Wildlife Service (FWS)**

Portland, OR

Tel: 503-326-2008

Fax: 503-326-2924

<http://inside.fws.gov/go/post/Ethics-Central>

## **U.S. Geological Survey (USGS)**

Reston, VA

Tel: 703-648-7474, 7422, and 7439

Fax: 703-648-4132

E-mail: [EthicsOffice@usgs.gov](mailto:EthicsOffice@usgs.gov)

[http://internal.usgs.gov/quality\\_integrity/Ethics](http://internal.usgs.gov/quality_integrity/Ethics)